

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JERRY LEE FROELKER,)
)
Plaintiff,)
)
v.) No. 4:08-CV-1685 CAS
)
FRANKLIN COUNTY, et al.,)
)
Defendants.)

ORDER

This matter is before the Court on defendants' Memorandum in Compliance with Court Order, in which defendants provide the names of other individuals involved in the incident giving rise to this action, and state that they have provided plaintiff with a copy of the relevant Offense/Incident report.

Plaintiff will be granted thirty (30) days to file an amended complaint, to replace the two "John Doe" defendants with named defendants. Plaintiff is cautioned that an amended complaint completely replaces and supersedes the original complaint, and claims that are not realleged are deemed abandoned. See, e.g., In re Wireless Tel. Federal Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must include each defendant's name in the caption of the amended complaint, see Rule 10, Federal Rules of Civil Procedure, and in the body of the amended complaint must state facts to support his claims against each defendant. If plaintiff fails to file an amended complaint within thirty days, the Court will dismiss the claims against the two Doe defendants without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff is granted until **August 10, 2009** to file an amended complaint in accordance with this Order.

IT IS FURTHER ORDERED that if no amended complaint is timely filed, the Court will dismiss plaintiff's claims against defendants John Doe #1 and John Doe #2 without prejudice.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 8th day of July, 2009.